UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/SR.519
28 November 1997

ENGLISH
Original: FRENCH

EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE FIRST PART* OF THE 519th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 October 1997, at 3 p.m.

Chairman: Mr. SKOGMO (Norway)

later: Mr. RODRIGUEZ CEDEÑO (Venezuela)

CONTENTS

ANNUAL THEME: REPATRIATION CHALLENGES (continued)

* The summary record of the second part of the meeting appears as document A/AC.96/SR.519/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-03131 (E)

The meeting was called to order at 3.15 p.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)

1. Mr. MORJANE (Tunisia) commended UNHCR on its work in several repatriation operations, believing as he did that voluntary repatriation remained the best of the three solutions to refugee problems. In that connection, the Secretariat's excellent paper on repatriation challenges (A/AC.96/887) was useful for humanitarian workers at all levels, who frequently faced dilemmas that could rarely be resolved through documents alone. His delegation hoped that the discussions in the Executive Committee would confirm the basic principles of protection in the framework of voluntary repatriation, remind the parties concerned of their roles and responsibilities and, finally, provide UNHCR with guidance and encourage it in its work.

2. The repatriation operations of today could not be compared with those of 30 years earlier. As the High Commissioner had stated, repatriation was not a mere logistical operation. Not only did the conditions for return and reintegration have to be thoroughly prepared, but care must be taken to ensure that the causes of the refugees' original departure did not recur and cause them to leave once again. The three essential aspects of such operations were political, legal and operational.

3. At the political level, there was a close link between repatriation operations and the settlement of disputes. There was little chance for success when repatriation was not part of an overall settlement plan. It was in such situations that UNHCR might be tempted to exceed its mandate. Should it be criticized for so doing or should efforts aim rather at identifying the weaknesses in the international system for the settlement of disputes? In that framework, UNHCR should be encouraged to work more closely with regional organizations, in particular OAU, which had an effective dispute settlement mechanism.

4. The legal aspect related mainly to the voluntary or involuntary nature of repatriation. UNHCR should consider two remarks in that connection. First, it would be contradictory to require an indication of the voluntary nature of the repatriation on an individual basis, whereas refugee status had been recognized on a group basis. In addition, just as refugees must not be forced to return home, barring a cessation clause, there must be no opposition to their return when they decided to do so themselves. Refugees were in a better position than anyone else to evaluate the situation in their countries of origin and decide when it was appropriate to return.

5. At the operational level, the strengthening of UNHCR's cooperation with other international organizations and NGOs was to be commended. However, coordination among all those actors must take place upstream, preferably as soon as the refugees arrived, as humanitarian assistance should only be a temporary measure pending repatriation. That would also enable the refugees to make a better contribution to the economy of their country of origin.

6. Mr. MOHAMMED (Nigeria) said that assistance to refugees began with the full implementation of the letter and spirit of the 1951 Convention, the 1967 Protocol and other relevant regional instruments. It was not enough to

pay lip service to those international instruments; they must also be put into practice. Practices that weakened international protection and were not consistent with international humanitarian law, such as border closures, rejections at borders, long detention, refoulement, etc., must therefore be avoided.

7. The theme for the current session, repatriation challenges, was being discussed against the background of the tragedies in the Great Lakes region and in Bosnia and Herzegovina. The civil war in Central Africa had not only created new challenges, but had also imposed additional burdens on host countries, the international community and UNHCR. The harrowing events in the Great Lakes region had shown that repatriation was multi-dimensional and went beyond sending refugees back to their country of origin.

8. UNHCR's part in repatriation was significant, but it was not the most crucial. The determinant of successful repatriation was the resolution of the underlying political conflicts that had produced the refugee movements. Regional organizations and the international community could assist host States to create the conditions that would encourage refugees to return to their country of origin, in particular by providing them with education, capital and food to enable them to survive in the short term. As the UNHCR mandate did not cover all the preconditions required for repatriation, other United Nations agencies as well as Member States should help to create an environment conducive to successful repatriation and integration.

9. Recognizing that without an enduring political solution repatriation could not last, the countries of West Africa had invested considerable human and material resources in ensuring that peace returned to Liberia. The result had been a successful election and the voluntary return of many Liberian refugees to join in national reconciliation and rebuilding. UNHCR should be given the necessary funds to enable the 500,000 refugees remaining outside Liberia to return to their country.

10. He hoped that the international community would also assist the Economic Community of West African States (ECOWAS) speedily to resolve the crisis that was producing refugees in Sierra Leone. Nigeria welcomed the Security Council's recently adopted resolution 1132 (1997), concerning the need to restore peace and legitimate government in Sierra Leone. Nigeria had also assisted refugees in cash and kind, within its limited resources. The Government of the Nigerian Federation had provided Rwanda with relief materials in the amount of $500,000 and $1.4 million had been set aside for refugees granted asylum in Nigeria. In the belief that the root causes of refugee movements must be addressed, the Nigerian First Lady had initiated an African First Ladies Summit on Peace and Humanitarian Issues in May 1997, as a result of which Liberia and Burundi had been given humanitarian aid.

11. His delegation urged each Member State to assist UNHCR not only financially, but also with institutional support. Every country should establish a legal framework to create a conducive environment for UNHCR operations and provide security to UNHCR staff, who were increasingly being attacked in the line of duty.

12. Mrs. BAUTISTA (Philippines) said that the annual theme for 1997, repatriation challenges, was appropriate and timely. The widely accepted principle of voluntary repatriation was being seriously challenged by actions and circumstances which not only were violations of human rights but also endangered the lives of refugees. She was referring to forcible movements of refugees in violation of the principle of non-refoulement and their return to places which were ill-prepared to receive them because of the prevailing volatile conditions.

13. Another formidable challenge was that of linking the repatriation of refugees with sustainable reintegration processes, to move from relief to development, which required close cooperation among the countries concerned, UNHCR, multilateral partners and NGOs. There were no quick and easy solutions to those problems and UNHCR could not be left alone to solve them. The Member States had a role to play, in particular by respecting the 1951 Convention, the 1967 Protocol and other human rights principles relative to refugee protection.

14. In the Philippines, steps were being taken to implement the guidelines for the issuance of alien refugee employment permits to qualified Indo-Chinese refugees under Department of Labour Order No. 25 dated 10 September 1996. With regard to the Vietnamese refugees who had refused repatriation, an NGO was helping the Government assist them pending resolution of their cases. The Philippines recognized the importance of effective and efficient coordination of the different humanitarian agencies in the field under the United Nations reform process. Along that line, it welcomed the Memoranda of Agreement between UNHCR and other United Nations bodies, in order better to address various important issues such as international protection of refugees and other displaced persons.

15. Her delegation drew attention to the significant role of the many NGOs in refugee protection, especially in south-east Asia, the CIS and the Great Lakes region. It paid a tribute to UNHCR, under the very able leadership of Mrs. Ogata, in protecting refugees throughout the world and, recognizing the danger in which UNHCR representatives worked, appealed for all possible steps to be taken to ensure their safety and prosecute any crimes against them.

16. Mr. CHOWDHURY (Bangladesh) noted that, in late 1991 and early 1992, nearly 250,000 refugees from Myanmar had arrived in Bangladesh. Over the following six years, voluntary repatriation of those refugees had been conducted with the involvement of UNHCR. During that period, notwithstanding the fact that it had not yet been a party to the 1951 Convention or the 1967 Protocol, Bangladesh had fulfilled its obligation to protect refugees and observed the principle of non-refoulement. There remained only 21,000 refugees in Bangladesh, 7,500 of whom had been cleared by their Government for voluntary repatriation. Bangladesh hoped that a solution for the remaining refugees would be worked out through bilateral consultations with Myanmar and with UNHCR involvement.

17. The increasing trend towards restrictive asylum policies illustrated the challenges to the institution of protection, so central to the High Commissioner's mandate. For that reason his delegation would have

preferred deliberations on "protection challenges" before taking up "repatriation challenges". In coming years, the secretariat should provide the Standing Committee with more than one option for the annual theme, to enable it to adopt an informed decision.

18. Repatriation challenges involved a range of substantive questions. Besides logistical problems such as the transportation of refugees from the host country to the country of origin, there was the question of ensuring refugees' safety, protection and reintegration. In that connection, it was important to ensure that "conflict entrepreneurs" did not misguide refugees through disinformation or create pockets of anarchy and hinder the repatriation process. Next, refugees must be educated, for example, through innovative solutions such as the non-formal models of education developed in Bangladesh by an NGO, BRAC. Since women and children tended to be more vulnerable, projects aiming at helping women carry out income-generating activities were an important element in any sustainable repatriation process. His delegation suggested taking a cue from the micro-credit system pioneered by Grameen Bank.

19. The core challenge in the context of repatriation related to the situation of the country of origin, specifically development, human rights and governance issues. There was obviously a need to address the root causes of refugee problems by finding solutions to civil conflicts and fostering the development of a culture of tolerance towards minorities and other vulnerable groups. The fact that such issues were interconnected made it necessary to build appropriate system-wide synergies at the field level. In that connection, he welcomed the statement by the High Commissioner for Human Rights, Mrs. Robinson, establishing a link between refugee problems and human rights.

20. Protection depended on the readiness of States to respect the principle of non-refoulement and on the question of international burden-sharing. However, although asylum was governed by a non-derogable principle of non-refoulement, no binding principle existed for burden-sharing. The refugee agenda had unfortunately been "donor-driven" and all refugee situation reports quantified donor contributions. What was left out was the core contribution of the asylum-giving States; the time had come to fill that gap. In that connection, he mentioned the need further to review the Executive Committee's work and working methods. In the composition of the Bureau, for instance, the regional grouping recognized by the United Nations might be adopted and a rotation established on that basis instead of the nebulous donor-non-donor rotation. There was also a need to explore the issue of the economic and social impact of large refugee caseloads on host developing countries and, if appropriate, to determine what implications that might have for the Executive Committee's work and working methods.

21. Mr. BARABANOV (Russian Federation) commended UNHCR on its efforts to resolve the practical aspects of forced migration. UNHCR was helping to elaborate relevant doctrine and introducing repatriation principles in finding long-term solutions. His delegation had supported the choice of repatriation challenges, a theme with both universal and regional resonance, as the special theme for the Executive Committee's current session.

22. The Russian Federation shared the international community's concern for the hundreds of thousands of people forced to leave their countries following armed conflicts. Despite serious economic difficulties, it had always done its utmost to fulfil its international obligations towards forced migrants. To that end, it had updated its Federal Migration Programme and taken concrete steps to implement the Programme of Action of the 1996 Geneva Conference; and it was perfecting its migration laws or enacting new ones.

23. At the same time, most people from the Asian and African States did not regard Russia as their country of asylum, but as a country of transit towards Western Europe. Unable to travel to Europe, they ended up in Russia illegally and turned to international organizations for assistance. Most of those who applied for refugee status did not meet the legal conditions for being granted asylum. As temporary asylum could not be granted indefinitely, Russia was interested in international assistance to repatriate large groups of "transit refugees", whose applications for asylum would probably be rejected in Western countries. That having been said, the international community should focus attention on the situation of those groups for humanitarian reasons and the measures taken on their behalf should be balanced and give consideration to the interests of the States concerned. The international community should also analyse the security conditions of the receiving countries more objectively and thoroughly.

24. Repatriation could be considered in its traditional aspect, as dealt with by the 1951 Convention, and in a broader sense of repatriation to the homeland, to the country of citizenship or to the country of permanent residence. Unfortunately, when developing international strategies for voluntary return to countries of the former USSR, due consideration was not always given to the fact that such movements could not be considered repatriations in the traditional sense. The flows did not take place on an ethnic basis and they were not aimed at the place of birth or permanent residence: they reflected a voluntary choice of citizenship after the collapse of the USSR.

25. Since 1991, the year the Federal Law on Citizenship of the Russian Federation had been adopted, 1.5 million people had been granted Russian citizenship and received various allocations under the Law. Such payments had become a heavy burden for Russian federal and local budgets. The albeit imperfect measures undertaken by the CIS countries had prevented the approximately 60 million people living outside their ethnic motherland since the collapse of the Soviet Union from becoming a threat to security and stability for the neighbouring States and the 4.5 million displaced persons had not become refugees under the UNHCR mandate. For its part, Russia sought to guarantee to its entire population, citizens and aliens alike, human rights in accordance with the Declaration of Principles of the Programme of Action adopted by the Geneva Conference. As in the past, and despite the difficulties it was experiencing, Russia would strictly fulfil its obligations under the 1951 Convention and the 1967 Protocol.

26. Another problem concerned the repatriation of Georgian refugees, especially those from South Ossetia, the solution of which lay in a dynamic negotiation process and financing for return activities. Concerning Chechnya,

favourable conditions of repatriation should be established for those who wished to return, but consideration should also be given to those who did not.

27. He commended the UNHCR office in Moscow for the steps it had taken to diversify its interaction with the various Russian departments. Successful international cooperation in executing the Programme of Action depended essentially on raising awareness of the nature and extent of the problem of forced migration in Russia. A visit to the region by donor countries would therefore be welcome.

28. Mr. MOALLEM (Lebanon) said that the situation in Africa, the former USSR and the former Yugoslavia was a tragic illustration of the refugee problem. One of the concerns when dealing with refugee- or exile-producing situations was the problem of burden-sharing. No State could meet such refugee influxes alone. Lebanon, a small country of 3 million inhabitants, was hosting over 500,000 Palestinians who had sought refuge in Lebanon following the various Arab-Israeli wars. It did not wish to grant the Palestinian refugees Lebanese nationality both because that would be contrary to its Constitution, and because the refugees already had Palestinian nationality.

29. He was deeply disturbed at the reduction of the UNRWA budget, as a result of a political decision aimed at permanently resettling the Palestinian refugees in Lebanon. Lebanon's first concern was to see that the Palestinian refugees were able to return home, and it commended UNHCR for its efforts to establish favourable conditions for their repatriation.

30. The Israeli army's occupation of southern Lebanon had driven from their homes thousands of Lebanese whose protection should come within UNHCR's mandate. The definition of the concept of refugee should therefore be expanded to include that category, to which neither UNRWA nor ICRC could guarantee sufficient protection. In that connection, he thanked UNRWA and ICRC for doing as much as they could to solve that problem. He also expressed his gratitude to UNHCR, which had made a symbolic contribution of $100,000 to his country following the Israeli attack in 1993.

31. Lastly, he stressed the need to upgrade the status of the UNHCR coordination office in Lebanon to that of regional office and requested that Executive Committee decisions and reports should be published in Arabic, which would facilitate the work of the relevant national authorities.

32. Mr. BENJELLOUN-TOUIMI (Morocco) said that the progress achieved in a number of key areas of Project Delphi since the last session of the Executive Committee showed that Morocco had been wise to support that initiative since its inception. It was unfortunate, however, that owing to financial difficulties, some budgets had had to be downsized, endangering some repatriation programmes.

33. Morocco, which had provided IFOR and then SFOR with contingents, was following the development of the situation in Bosnia and Herzegovina closely and welcomed the repatriation by UNHCR of 83,000 people over the past year. The situation in the Great Lakes region remained disturbing and Morocco fully supported UNHCR action. The return of the Ethiopian, Liberian, Malian and Togolese refugees, however, was encouraging for the international community in

general and for UNHCR in particular. In that connection, the selection of "repatriation challenges" as the annual theme met Morocco's concerns. The document entitled "Repatriation challenges" (A/AC.96/887), introducing the Committee's annual theme, raised pertinent questions that called for detailed answers. He was referring to the various legal instruments governing repatriation. The technical aspect of repatriation required dialogue and transparency.

34. Concerning the Sahara, the progress and results achieved were sufficient for implementing the United Nations settlement plan and opening the way for the repatriation of the people in the camps at Tindouf, Algeria. He hoped that UNHCR would implement the principles underlying its mandate in the process, particularly those relating to repatriation. He noted that the Kingdom of Morocco met the return conditions set by UNHCR in that it was able to ensure the returnees' security and dignity. In calling for their return, the King had carefully explained to the people involved all the constitutional guarantees being offered to them, in addition to the centuries-old traditions of generosity and tolerance for which Morocco was known. Similarly, the Moroccan authorities worked tirelessly, despite limited resources, to reintegrate the returnees, working towards the development of the Sahara in the process.

35. Mr. RODRIGUEZ CEDEÑO (Venezuela) said that the question of refugees and refugee protection could not be approached as a localized problem: it required the involvement not only of the State of origin and the receiving State, but of the entire international community, including international bodies and agencies and NGOs. The aggravation of internal tensions and the resulting forced migration of civilians in some regions of the world was a matter of concern, although Latin America had been relatively spared by such problems so far.

36. Given the social, economic, political and legal implications of forced displacements, the solution of the problem depended on States' full respect for their obligations and effective action by the competent international agencies. He welcomed the willingness expressed by the members of the Executive Committee and the High Commissioner to work together to promote refugee protection and improve respect for refugees' rights. There was no point in trying to repatriate people if the political, economic and social situation in the country of origin was precarious. The international community, UNHCR and the international bodies involved would therefore need to work together to establish an atmosphere conducive to repatriation. As the representative of India had suggested at the previous meeting, international bodies such as UNCTAD and the International Organization for Migration (IOM) could be asked to participate in such efforts.

37. There was no doubt whatsoever that the burden of international responsibility should be better distributed. The refugee problem had an adverse effect on peace, stability and progress in international society, especially as the receiving countries did not always have the resources or structures needed to cope with such a situation. It was therefore essential for UNHCR to be given sufficient support, both financial - he commended the delegations of Denmark, Norway and the United Kingdom on their statements to the effect that they would increase their financial contribution to the

Programme - and political. Efforts must also aim at ensuring full respect for the international legal standards that governed the protection of international staff.

38. International action should be based on the principle that repatriation must be voluntary. The receiving country, for its part, must abide by some very specific obligations and, especially, must refrain from using its territory to conduct activities conducive to refugee-producing situations. He stressed the need not only to protect refugees, but also to take decisive measures to ensure the overall stability of societies in crisis, which were often the origin of population displacements.

39. Mr. RECICA (Observer for Bosnia and Herzegovina) said that, besides extensive destruction the conflicts in Bosnia and Hezegovina had resulted in significant forcible migration. More than half the population of Bosnia and Herzegovina had been forced to leave its place of origin. The Dayton Agreement, which had stopped the war, provided for the right of refugees and displaced persons to return to their places of origin and the right to repossess property or be compensated for loss of property. Respect for those rights should serve as a basis for all activities by the international community in repatriating refugees and internally displaced persons. The repatriation process had already begun, with the active involvement of UNHCR. Approximately 200,000 refugees had returned to Bosnia and Herzegovina since the signing of the Dayton Agreement and approximately 200,000 internally displaced persons had returned to their homes. The results were encouraging, but the main part of the repatriation process had yet to take place. The results of the "open cities" project launched by UNHCR had been disappointing.

40. In order for repatriation to be sustainable, Bosnia and Herzegovina, its neighbouring countries and the International War Crimes Tribunal at The Hague must cooperate fully. To speed up the repatriation process, it was also necessary to create conditions for the reception and integration of returnees, whence the need for projects aimed at creating jobs, housing and adequate social infrastructure. He commended the initiatives of UNHCR, the European Union and the host countries.

41. Repatriation operations should be organized and phased and should take place in an atmosphere of security. He called on the asylum countries, the relevant institutions of Bosnia and Herzegovina and UNHCR to cooperate closely in defining ways to conduct successful repatriation operations. The international community must encourage refugees who wished to return home to choose their area of origin rather than another area and it should support the "open cities" project.

42. As the demining process undertaken by the international community had not been satisfactory, he again insisted on the urgent implementation of agreed demining projects, particularly in areas where repatriation was expected to be higher than elsewhere and in reconstruction areas.

43. Mrs. NJIE SAÏDY (Observer for Gambia) said that the conditions of relative peace and political stability that characterized the Gambian political situation had made the country an attractive destination for many immigrants and displaced persons in the subregion. The Government of Gambia,

true to its obligations to the international community under the Convention relating to the Status of Refugees, had focused its efforts on developing the capability for more effective responses to emergency situations, in cooperation with UNHCR and other international bodies. That collaboration had been formalized through the establishment of a committee responsible for planning and organizing relief assistance and programmes to address the needs of victims of natural and man-made disasters and for dealing with policy issues on refugee matters.

44. Gambia's approach had been to link relief assistance to development activities in such a way as to facilitate refugee self-sustenance. It had also taken steps to see that refugee children were enrolled in schools. Some refugees with diplomas had obtained paid employment, while others, mainly doctors, were engaged in voluntary work in hospitals; some had also been provided with cash grants to undertake income-generating activities. Living conditions in the three refugee camps had been improved; water and sanitation services had been expanded and medication was being made available.

45. If the security situation were to degenerate in Sierra Leone or Senegal, however, Gambia might have to deal with an influx of refugees from those countries. It was therefore necessary to establish a contingency plan to respond appropriately to the demands that would be placed on the limited financial, human and logistical resources at the country's disposal. The situation called for more direct collaboration with UNHCR through the establishment of a liaison office in Banjul. She hoped that UNHCR would help mobilize resources and establish a partnership with donors and relevant international agencies in order to develop the capacity to respond to refugee needs and emergency situations, whether from natural or man-made disasters.

46. Turning to the theme for 1997, she said that voluntary repatriation was now recognized as the preferred solution by all the parties involved. As everyone knew, voluntary repatriation had many advantages, but also entailed high costs. Given that most asylum States were developing countries, voluntary repatriation represented a more economically rational choice than settlement or resettlement. It was also more consistent with the protection and promotion of the human rights of displaced peoples.

47. The challenges of repatriation primarily called for the willingness of the parties concerned to seek sustainable solutions to the refugee problem. Repatriation could not be successful if entry was blocked through border closures, immigration controls, etc. Neither was it possible if the country of origin continued to be in conflict and economically precarious. Repatriation should always be the result of successful negotiations that took the interests of all concerned parties into account. Reintegration of refugees required monitoring the situation in the home country, linking relief assistance to development activities and taking action to avert population displacement before it took place.

48. Prevention, which was the best solution, called for the adoption of strategies in different areas (diplomatic intervention, economic and social development, conflict resolution, capacity-building, etc.). Since those

activities were beyond the scope of UNHCR's mandate, they should be the focus of concerted efforts by Governments and international organizations in the affected areas.

49. In the event that preventive measures failed, however, efforts should focus on controlling refugee movements and displacements, in particular through rehabilitation programmes to help people stay in their countries. The permanent solution to the refugee problem would continue to elude mankind if the fundamental causes of compulsory migration were not addressed. In her view, those were persistent poverty in developing countries, undemocratic political regimes and legitimized injustice. Gambia had high hopes, however, that the situation would improve gradually in the next millennium as the appropriate measures were taken.

50. Mr. IDI ANGO (Observer for Niger) said that the value system of Niger, both a host and a refugee-producing country, had made it possible fully to cope with the ups and downs of forced migrations. Niger had received 6,000 Chadian refugees since December 1990 and 20,000 Malian refugees since 1994 and had provided them with conditions of asylum respectful of their lifestyle and African cultural values. Most of those refugees had become integrated into village and rural communities in Niger. Niger had recently enacted a law on refugee status and would soon be establishing a national commission on eligibility for refugee status. The Malian and Chadian refugees in Niger would be repatriated in the framework of tripartite agreements concluded by the Governments concerned with UNHCR. Those operations would be based on the voluntary nature of the repatriation and on strict respect for security and human dignity.

51. The cycle of violence that had followed the armed rebellion in the northern part of Niger in the early 1990s had forced some 12,500 inhabitants of Niger to go into exile in Algeria and Burkina Faso. The signing of the Peace Agreement on 24 April 1995 between the Government and the Organisation de la Resistance Armée and the Government's reconciliation policy had restored trust and established the conditions necessary for the voluntary return of the Niger refugees. Some results of that policy had been the adoption of an amnesty act, the beginning of the reintegration of the former combatants into the country's administrative and socio-economic bodies, the implementation, with assistance from friendly countries and institutions, of an emergency rehabilitation programme for the rural area of the country, which had sustained the combined effects of drought and insecurity, and the signing of a protocol disarmament agreement by the Government and former fronts of armed rebellion.

52. Thus 400 Niger refugees in Burkina Faso had been voluntarily repatriated, under conditions of respect for their human dignity, as part of the tripartite agreement between Niger, Burkina Faso and UNHCR. In the same spirit, Niger was currently preparing for the repatriation of nearly 4,000 Niger refugees in Algeria. Niger reaffirmed its willingness to respect the obligations it had accepted under the international agreements and conventions it had signed. It would also ensure optimum conditions in the 15 main sites chosen by the refugees for their return. Niger would like to take the opportunity to thank the Governments of Algeria and Burkina Faso for their outstanding work in providing the refugees from Niger with decent

conditions of asylum. It also wished to thank UNHCR for the assistance and protection it was giving and would continue to give the refugees from Niger.

53. Although a relatively small number of people were involved, the Niger repatriation programme was complex and sensitive, owing to the sociocultural diversity of the people concerned and the geo-climatic context, which led to intercommunal conflicts in the cohabitation zones. Points of contention generally involved the lack of water sources and the deterioration of the environment and socio-economic infrastructures in those areas. Provision of services for the sites of return and the implementation of a reintegration programme for the returnees were therefore not only the prerequisites for a successful repatriation operation, but the only way of ensuring that the resettlement would be durable. Major factors in the success of the operation would be the determination of the people and Government of Niger to achieve peace and security and a real desire on the part of the Niger refugees to return home. He hoped that Niger would be given commensurate support from the international community when the repatriation and reintegration programme began.

54. Mr. Rodriguez Cedeño (Venezuela) took the Chair.

55. Mr. SALMAN (Observer for Iraq) said that contemporary refugee movements arose no longer from wars alone, but also from internal conflicts and the economic difficulties with which States were faced. Because of the scale of contemporary refugee movements, cooperation was needed from the international community to ensure that burdens were shared equally. New problems had recently arisen which were liable to hinder both the international protection that refugees should be given and the humanitarian work of UNHCR. One example was the exploitation of the refugees' situation by certain terrorist groups. Such groups sought to use the receiving countries for conducting political and military activities against the country of origin, often with the support of foreign Powers which hoped thereby to achieve their own political ends. Refugees themselves were occasionally recruited for terrorist actions against their own country.

56. The setting-up of refugee camps near sensitive international borders - in violation of international law - tended to discourage the international community's efforts to find solutions. The insufficiency of the assistance granted and the fact that many countries failed to fulfil their responsibilities in the area of protection were other disturbing factors. Coordination between receiving countries and countries of origin must be strengthened if the conditions needed for voluntary repatriation were to be created. Interference by foreign Powers should be fought, as it hindered the search for durable solutions and could even undermine countries' sovereignty.

57. There was no doubt that voluntary repatriation was the most appropriate solution for a large number of refugees. Iraq had supported UNHCR's initiative of undertaking regional negotiations in the Middle East and sending a special adviser to study the problem of the return of displaced persons between Iraq and Iran. To help facilitate voluntary repatriation operations, Iraq proposed that the international community should provide immediate assistance to regions which were experiencing severe economic difficulties or had sustained extensive environmental damage, in order to prevent migrations,

and that the country of origin should take the necessary financial or other steps to facilitate such operations. Iraq hoped that UNHCR would continue its efforts to find durable solutions to the refugee problem and reaffirmed its full support for UNHCR.

58. Mrs. VECIREVIC (Observer for Croatia) said that her country had had to shelter tens of thousands of Bosnian refugees while caring for many of its own displaced citizens, for whom it actively sought durable and dignified return solutions. Croatia was the only country of the former Yugoslavia receiving significant minority returns. That return had been spontaneous in some cases and organized in others. Spontaneous minority returns were encouraging signs that people were confident that they would be able to return home without escort. Organized returns were signs of the will of the Government of Croatia and of UNHCR and the international community to assist all Croatian citizens in finding a durable solution to their displacement problem.

59. An encouraging development was the peaceful integration of the Eastern Slavonia region into the legal, economic and political system of Croatia. Some might say that the process of administrative and technical reintegration had been achieved, but that the reconciliation and reintegration of people had been neglected. That would be a mistaken conclusion. A Government should promote sound principles, but even the most democratic and effective Government could not engineer people's souls. Time was one of the most important factors in every reconciliation process. Administrative and economic reintegration preceded and encouraged reconciliation. It was a clear sign that the Croatian Government had taken action to provide democratic standards of living for all its citizens and felt positive about achieving successful results.

60. For example, the Croatian Government had published a report on the implementation of its Letter of Intent on the peaceful reintegration of the Eastern Slavonia region giving details on document issuance and reintegration in several areas (health, education, justice, the economy, social security), which provided strong incentives for people to reintegrate. The Parliament had adopted a law validating previously unlawful documents issued in the occupied territories and the Government had adopted the Programme on the Establishment of Trust, Accelerated Return and Normalization of Living Conditions in the War-Affected Regions. Based on the Constitution, the Croatian President had decided to establish a multi-ethnic national committee for the realization of that Programme, assigning it specific tasks in monitoring the achievement of a general atmosphere of tolerance and safety, the establishment of trust among Croatian citizens and the creation of the social, political, security and economic preconditions for the organized return of the displaced. A property exchange agency had been established to enable those who did not wish to return to the areas where they had previously lived to exercise their property rights and sell or exchange their real estate. The media reported on its work, thereby promoting reconciliation.

61. Croatia had already spent more than $1.7 billion on the reconstruction and revitalization of Eastern Slavonia and other reintegrated territories. Only 2 per cent of the resources invested in return and reconciliation had come from international assistance. Given its very limited resources, the Croatian Government needed more time to eliminate the obstacles to return and

reconciliation. Over 50 per cent of Croatian citizens from the Danube area who had expressed a wish to return to other parts of Croatia had now done so. That meant that there had been 8,000 return solutions. The return to their region of over 80,000 displaced persons was a much longer process and only about 2,000 Croats had returned so far. The main obstacle was the lack of economic opportunities. The returnees must be provided with housing and employment, something which the Croatian Government could not do without international assistance.

62. Croatia also required assistance to provide protection to over 150,000 refugees from Bosnia and Herzegovina who had remained in Croatia. Many of them came from minority areas where return was not possible. Croatia was helping them find durable solutions, agreeing that some of them might remain in the country and helping them integrate. Each solution required resources and Croatia was working closely with the international community to find solutions.

63. Her delegation shared the concern of UNHCR and other international humanitarian organizations about the danger their staff faced in carrying out their noble work. It called on all actors to seek ways to protect them and ensure the success of their missions. Croatia was prepared to accept the return of all its citizens and would like to see an increase in minority returns and reconciliation efforts, as provided for in the Dayton Agreement.

64. Mr. KYDYROV (Observer for Kyrghyzstan) said that, on the basis of the programme of action adopted by the Regional Conference to Address the Problem of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, Kyrghyzstan had prepared a national plan of action. In close cooperation with UNHCR and the International Organization for Migration (IOM), the Kyrgyz Government had strengthened its institutional and legislative infrastructure, prepared programmes for reintegrating the refugees into local communities and established a regional centre for regulating migratory processes.

65. Given the continued military, political and economic instability in the neighbouring countries, refugee problems in the Central Asian region and Kyrgyzstan itself remained serious. There was a constant flow of refugees into the country, principally from Tajikistan and Afghanistan. The problem was a real threat to national security, especially as illegal immigration was aggravated by the permeable borders between the States of the CIS, on the one hand, and the lack of an appropriate immigration control system, on the other.

66. The general immigration situation in the country was further complicated by the increase in the illicit drug traffic and organized crime, the spread of contagious diseases and the increase in unemployment. There was also the problem of "ecological" refugees. There was a large-scale environmental disaster in the making in the southern part of the country owing to the deterioration of the many radioactive waste reservoirs (containing 600,000 m^3 of waste) as a result of mudflows, landslides and earthquakes. The resulting radioactive pollution of the natural environment would inevitably lead to large migratory movements not only within the country, but throughout the region. Given the inadequate technical skills and financial resources

available in the region, such risks could only be avoided through the preparation and implementation of special programmes by UNHCR and other international organizations.

67. In view of the continuing instability in Central Asia, Kyrgyzstan's policy was to do its best to help achieve a peaceful settlement of the conflicts in Tajikistan and Afghanistan, to establish favourable conditions for the refugees' voluntary return. The international community should provide both countries with additional assistance. He noted with deep satisfaction that the national reconciliation process had finally begun in Tajikistan. On that basis efforts could continue towards the settlement of the question of repatriation of the Tajik refugees, which could take place only through the joint efforts of Kyrgyzstan, UNHCR, IOM and the CSCE Regional Office, with financial and other support from donor countries.

68. Kyrgyzstan had already prepared draft agreements between the Kyrgyz Government and the Tajik Government regulating the refugees' return process and the defence of their rights, as well as a treaty on the repatriation of the Tajik refugees remaining in the Kyrgyz Republic, between the Tajik Government, the Kyrgyz Government and UNHCR. In that context, the establishment, with UNHCR and IOM acting as mediators, of a tripartite commission to prepare and execute a programme for the repatriation of the Tajik refugees from Kyrgyzstan to Tajikistan on the basis of the relevant bilateral and international instruments had become an obvious necessity. According to the available information, most of the Tajik refugees in Kyrgyzstan did not intend to leave Kyrgyzstan in the near future. It was thus a matter of urgency temporarily to integrate the refugees into the local communities and refugee protection and assistance programmes must be implemented to that end.

69. Kyrgyzstan had recently prepared a project on migration policy strategies, which included measures for establishing an appropriate administrative framework, preparing operational provisions, organizing and regulating migrations and setting up mechanisms for creating legal, economic and other conditions for stabilizing migrations. But most of the work remained to be done and the effectiveness of that strategy would depend on support from international organizations and donors.

70. Mr. KABAIJA (Observer for Rwanda) said that no tension existed between the Rwandan Government and UNHCR notwithstanding certain remarks he had heard in the Executive Committee. On the contrary, they had a close relationship and UNHCR was more involved in the reconstruction of Rwanda than all the other agencies put together. Because of the diversity and extent of UNHCR's work, some of those agencies and even some donors felt that it was exceeding its mandate. His delegation believed that UNHCR's activities were justified because they contributed to the stabilization of society. The tension in question was probably imaginary and had probably originated in Geneva, at headquarters. UNHCR field staff in Rwanda seemed very happy and very busy.

71. The Government of Rwanda was grateful to the High Commissioner and donor organizations for their crucial support during the last 12 months, when Rwanda had had to receive more than 1.5 million persons from refugee camps. The crisis could not have ended in any other way, for no solution had been found

to the terrorist situation in the camps, where millions of Rwandans had been held hostage. It had become inevitable to break up the refugee camps or Rwanda would have faced a worse disaster. The international community had seemed in no hurry to resolve the crisis in which it had been intimately involved since the 1994 genocide. The fact that the United Nations had supported militarized pseudo-refugee camps had been a gross violation of international law. The consequences of that grave mistake were now being blamed on Rwanda and the Democratic Republic of the Congo, which were being used as scapegoats.

72. The tasks of reconstruction and refugee reintegration still posed enormous challenges to the Rwandan Government, which had meagre resources. The country also had to combat insecurity in some parts of the western region as a consequence of the very large numbers which had been indiscriminately received from camps and which had included the same forces that had carried out the 1994 genocide and had been holding innocent Rwandans hostage for over two years.

73. The return from the Congo of over 900,000 refugees and about 500,000 refugees from western Tanzania marked the end of a major refugee crisis not only for Rwanda, but for the region. However, there were still Rwandan refugees outside the country. They included about 20,000 in camps in western Uganda, several thousand scattered throughout the Democratic Republic of the Congo, approximately 10,000 in Congo Brazzaville and several thousand in different countries in the region. Rwanda still wanted them back home without preconditions. It was grateful to the Governments of Tanzania and the Democratic Republic of the Congo, to the Alliance of Democratic Forces for the Liberation of the Congo and to Gabon and Malawi for their efforts in helping the Rwandans in their country to return home. Those Governments had sometimes had to use their limited means to intervene to save hopeless situations.

74. He called on other countries, especially those where substantial numbers of refugees were still found, such as Uganda, to assist in repatriating Rwandan refugees in all ways possible. The reconciliation of Rwandans would be possible only when they were all at home. The Government was aware that there were measures being proposed by some members of the international community to pave the way for groups of Rwandans to remain in exile as refugees. The individuals for whom such assistance was being sought were criminal elements and extremists who were still hoping to evade justice. The OAU Convention was being used to justify prolonged asylum for such elements, but the Government of Rwanda believed that the time for perpetuating the Rwandan refugee crisis under whatever pretext was over. The current advocates of asylum for such Rwandans had not yet produced any evidence to show that they were persecuted. That was why the more accommodating 1969 OAU Convention was being used instead of the 1951 Convention or the 1967 Protocol.

75. The Rwandan Government was convinced that it was possible to end the African refugee crisis definitively. Traditionally, Africa had never had refugees, only fugitives. The institutionalization of asylum and the perpetuation of refugee status was a recent phenomenon. If there was a need for international conventions to protect the populations affected by civilian conflicts, they should be appropriate to the circumstances. Persons crossing an African border to avoid localized problems due to criminality or civil

chaos had no need of traditional conventions, which should be used for solving complicated problems. In the case of Africa, there was no solution to refugee problems except repatriation. The preconditions for repatriation set by some of the international agencies were often unrealistic. The longer the exile period, the more difficult the return, whence the need for urgent action. It was necessary to develop mechanisms and modalities to help displaced persons rather than revert to conventions whose application was based on principles rather than realities. The international community must not be hostage to conventions if they were no longer effective.

76. If any country chose to give asylum to Rwandan citizens, Rwanda requested that they should be treated as any other aliens. That was especially important in the region, because refugee status had been abused by refugees themselves. It was also obvious that creating refugee camps and abandoning them to adventurous NGOs and agencies from far away, which were not sensitive to the political or socio-economic situation of the region, had proved very dangerous and costly. In any event, if the United Nations had lived up to its promise of never permitting another genocide or if it had acted in accordance with the 1951 Convention with regard to the refugee camps in eastern Congo, the refugee crisis would not even be an issue.

The first part of the meeting rose at 6 p.m.